

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ESPERANZA DURAN-CORDOVA,

Plaintiff,

v.

PARIS LAS VEGAS OPERATING
COMPANY, LLC; DOES 1-100; AND ROE
CORPORATIONS 1-100 inclusive,

Defendant.

Case No. 2:15-cv-02327-APG-NJK

**ORDER REMANDING CASE TO STATE
COURT**

(Dkt. #1)

Defendant Paris Las Vegas Operating Company, LLC removed this lawsuit to federal court on the basis of diversity jurisdiction. (Dkt. #1.) Paris states in its petition for removal that it is a limited liability company organized in Nevada, with its principal place of business in Las Vegas, and is a citizen of Nevada. (*Id.* at 2.) Thus, removal is improper and I remand this case to state court.

A civil action brought in a state court over which federal courts have original jurisdiction may be removed by the defendant to the appropriate district court. 28 U.S.C. § 1441(a). However, § 1441(b) imposes a limitation on actions removed to federal court based on diversity jurisdiction: “such action[s] shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b). “The ‘forum defendant’ rule reflects the belief that [federal] diversity jurisdiction is unnecessary because there is less reason to fear state court prejudice against the defendants if one or more of them is from the forum state.” *Spencer v. U.S. Dist. Ct. for N. Dist. of Cal.*, 393 F.3d 867, 870 (9th Cir. 2004) (citations omitted) (“It is thus clear that the presence of a local defendant at the time removal is sought bars removal.”).

Paris admits that it is a citizen of Nevada. (Dkt. #1 at 2.) Therefore, the forum defendant rule renders removal improper.

1 IT IS THEREFORE ORDERED that the case is remanded to the state court from which it
2 was removed for all further proceedings. The Clerk of the Court is instructed to close this case.

3 Dated: December 9, 2015.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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